IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 708 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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LAXMANBHAI CHANABHAI VAJA - Applicant(s)
Versus
THE STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MS ARCHANA S SAGAR for Applicant(s) : 1,
MR AY KOGJE, APP for Respondent(s) : 1,2,3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 18/04/2007

ORAL JUDGMENT

1. Rule. Learned APP Shri A.Y. Kogje waives service of rule on behalf of respondents.

2. In this petition, the petitioner has prayed that he be transferred from Rajkot to District prison, Junagadh. In this petition, the petitioner has stated inter-alia that he is aged person of about 69 years, that he is not keeping good health, he has been in jail since about 9 years now, his appeal against his conviction is admitted by this Court but bail has been refused. It is therefore, the prayer of the petitioner that he may be shifted from Rajkot to Junagadh which is his native place so that his relatives can visit him more frequently and easily.

3. Learned APP Shri Kogje placed on record a communication dated 17th April, 2007 from the Administrative Officer, Inspector General of Prison, Gujarat State, Ahmedabad, communicated to the wife of the petitioner that there is no threat to the safety of the petitioner and sufficient safeguards are provided in this regard. Learned APP Shri Kogje further pointed out that the application made by the wife of the petitioner to the authorities indicated only one ground for the transfer namely that of threat to the safety of the prisoner.

4. Considering the submissions made on behalf of the petitioner and considering the grounds raised in this petition, the petitioner is permitted to make a fresh application to the

authorities for his transfer. If such an application is made within a period of one week from today, same shall be considered expeditiously and sympathetically.

5. With these directions, the petition is disposed of. Rule made absolute in the above terms.

(Akil Kureshi,J.)

(raghu)